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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/899,862	07/06/2001	Cong Thanh Dinh	577-516 (T&B 1632)	3336

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EXAMINER

STERLING, AMY JO

ART UNIT PAPER NUMBER

3632

DATE MAILED: 09/03/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/899,862

Applicant(s)

DINH ET AL.

Examiner

Amy J. Sterling

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 July 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10-20 is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-7, 9 is/are rejected.
- 7) ☒ Claim(s) 4 and 8 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

This is the first Office Action for application number 09/899862, Hanger Bar Assembly, filed on 7/6/01. Claims 1-20 are pending.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 5, 6, 9 are rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent No. 3214126 to Roos.

The patent to Roos discloses a hanger bar assembly for supporting an outlet box between spaced apart support elements having a first extruded channel member (12) being longitudinally slidingly engagable with a second extruded channel member (14), of a similar cross-section forming a longitudinally adjustable support bar, the first generally U-shaped cross-sectional profile channel member, with a channel interior, having a plurality of longitudinally extending first grooves (54) and a plurality of longitudinally extending first rails (24), the second channel member having a plurality of longitudinally extending second rails (32) and a plurality of longitudinally extending second grooves (32), the first rails being slidingly received in the second grooves and the second rails being slidingly received in the first grooves such that rotational movement between the first and second channel members is resisted. Roos discloses

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a clamping device (60) for urging the first and second channel members into respective forced engagement thereby restricting movement between the first and second channel members, and a securement device (16, 18), including a pair of end plates secured to ends of the support bar using hardware, attached to the support bar for securing the support bar to the spaced support elements (Col. 3, lines 20-23). Roos also discloses wherein the pair of end plates (16, 18) each include at least one spike member (30) extending outwardly for engagement with the support elements, and the at least one spike member includes an elongate portion having a substantially uniform cross-section terminating in a tapered endpoint.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 3214126 to Roos as applied to claim 1 above, and in view of United States Patent No. 5044582 to Walters.

Roos discloses applicant's basic inventive concept, all the elements which are shown above. Roos does not show wherein the hanger bar assembly includes a bracket slidably positionable over the support bar and engagable with the outlet box, the clamping device further including a fastener securable with the bracket such that

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upon securing the fastener to the bracket the first and second channel members are clamped together between the bracket and the outlet box.

Walters shows a hanger bar assembly wherein the clamp includes a bracket (18) slidably positionable over the support bar (12) and engagable with the outlet box (15), the clamping device further including a fastener securable (21) with the bracket used in order to easily position the outlet box at the desired location and that upon securing the fastener to the bracket the first and second channel members are clamped together between the bracket and the outlet box. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made from the teachings of Walters to modify the clamp of Roos in order to easily position the outlet box at the desired location and that upon securing the fastener to the bracket the first and second channel members are clamped together between the bracket and the outlet box.

#### ***Allowable Subject Matter***

Claim 4, 8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 10-20 are allowed. The reasons for allowance is that the prior art of record does not show a hanger bar assembly for supporting an outlet box between spaced apart support elements comprising a first channel member and a second channel member each having a plurality of apertures integrally formed therein adapted

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to receive fasteners, the first channel member being longitudinally slidably engagable with the second channel member forming an longitudinally adjustable support bar; a clamp for urging the first and second channel members into respective forced engagement thereby restricting movement between the first and second channel members; and a pair of end plates attached to opposed ends of the support bar by a plurality of fasteners extending into the plurality of apertures, the pair of endplates adapted to secure the support bar to the spaced support elements.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

6237884 to Howe shows a ceiling fan mounting device

5938157 to Reiker shows a ceiling fan support brace with slide support

5741000 to Goodbred shows a sliding track with inverted member

5435514 to Kerr shows an electrical mounting support device

5386959 to Laughlin shows an electrical mounting support device

5303894 to Deschamps shows an electrical mounting support device

5301914 to Yoshida shows an sliding device

5219230 to Babbs shows a sliding track with substantially similar cross sections

5150868 to Kaden shows an electrical mounting support device

4564165 to Grant shows an sliding device

3518421 to Cogdill shows a hanger device with sliding members

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3425655 to Cogdill shows a hanger device with sliding members


3163386 to Collins shows a hanger device

Any inquiry concerning this communication should be directed to Amy J. Sterling at telephone number 703-308-3271. The examiner can normally be reached (M-F 8 a.m.-5:00 p.m.). If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Leslie Braun can be reached at 703-308-2156. The fax machine number for the Technology center is 703-305-3597 or 703-305-3598 (formal amendments) or 703-308-3519 (informal amendments/communications).

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist at 703-308-2168.



AJS  
Amy J. Sterling  
8/21/02



RAMON O. RAMIREZ  
PRIMARY EXAMINER  
ART UNIT 3553632